

DETAILED ACTION

Acknowledgements

1. The following is a Final Office action in response to communications filed on 6/24/2009. Claims 1,7-9,14-16,20,22,24,25,27,33-35,40,45,47,49,50,52 and 55 are pending. Claims 1, 20, 27, 45 and 52 have been amended.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Examiner retrieved the Artifact Folder in which Applicant's Certified Copy of Canadian Patent CA2412747 was located. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Applicant's Arguments

3. In response to Applicant's argument that Sands does not teach comparing the calculated score and a previous calculated score for previous comparison of a previous actual value to the target value, the previous calculated score being calculated and stored in the KPI store at a previous loading, so that another score indicates if the KPI is getting better, worse or unchanged, which is located on page 12 of Applicant's

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Remarks, Examiner respectfully disagrees. Sands teaches simulating changes to the performance and controllable parameters of the model to determine the impact on the overall performance of the business (page/line 4/17-23). Furthermore, Sands teaches a global deviation, which takes into account previous actual values and deviations (page/line 4/5-12). Therefore, Sands does teach and suggest this limitation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7-9, 20, 27, 29, 33-35, 45, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US 6668253) in view of Sands (WO 01/88769).

6. With respect to **claims 1, 20, 27, 29, 45 and 52**, Thompson teaches a performance monitoring system comprising:

a. a staging area receiving data from one or more data sources (column/line 2/5-17);

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- b. a KPI store storing performance information relating to Key Performance Indicators (KPIs) (column/line 7/20-23);
- c. a loader transforming the received data into the performance information relating to the KPIs (column/line 2/10-20),
- d. an information presentation unit presenting the performance information to a user, wherein the information presentation unit has a front-end interface having a data guided monitoring function that receives a user input and presents relevant performance information in a selected order based on the user input to allow the user to monitor and analyze the performance information (column/line 9/1-31).

Thompson does not teach calculating scores and loading the scores into the KPI store. However, Sands teaches:

- e. calculating scores based on the received data and the performance information stored in the KPI store to indicate changes in the KPIs such that the scores indicate if associated KPIs are getting better or worse or unchanged and loading the performance information including the scores into the KPI store (page/line 3/28-4/23).
- f. wherein the staging area receives a target value and an actual value for a KPI (page/line 8/16-19), and wherein the loader calculates a score for the KPI based on the actual value and the target value to indicate if the KPI is good, bad or neutral compared to the target value (page/line 8/19-20), and calculates

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another score by comparing the calculated score and a previously calculated score for a previous comparison of a previous actual value to the target value (page/line 4/5-12), the previously calculated score being calculated and stored in the KPI store at a previous loading, so that the another score indicates if the KPI is getting better, worse, or is unchanged (page/line 10/28-11/6).

It would have been obvious to one of ordinary skill in the art to include the business system of Thompson with the ability to calculating scores and loading the scores into the KPI store as taught by Sands since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

7. With respect to **claims 7 and 33**, Thompson in view of Sands teaches the performance monitoring system as claimed in claim 1. Thompson further teaches the information presentation unit has a function that presents a higher level of the performance information in a form capable of breaking down into a lower level of performance information (column/line 6/65-7/11).

8. As to **claims 8 and 34**, Thompson in view of Sands teaches the performance monitoring system as claimed in claim 1. Thompson further teaches wherein the

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provides to the loader data that has changed from a last loading (column/line 4/64-5/14).

9. Regarding **claims 9 and 35**, Thompson in view of Sands teaches the performance monitoring system as claimed in claim 1. Thompson further teaches the staging area contains value information for the KPIs and time information relating to one or more time periods to which the value information is applied where the KPI store is capable of storing the value information in association with the time information in a relational cube having the time and indicator dimensions, actual values, target values and score values for the KPIs, and business metadata as a network of content of the metadata (figure 23, column/line 32/39-49).

Thompson is modified by Sands to teach the loader with a function to determine which KPI is affected by a change in the value information (page/line 10/17-27). It would have been obvious to one of ordinary skill in the art to include the business system of Thompson with the ability to have a loader with a function to determine which KPI is affected by a change in the value information as taught by Sands since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. Claims 14-16, 22, 24-25, 40, 47, 49-50 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US 6668253) and Sands (WO 01/88769) in view of Pokorny et al (US 2003/0150908).

11. With respect to **claim 14 and 55**, Thompson in view of Sands teaches the performance monitoring system as claimed in claim 1 and an application server accessing and managing the performance information stored in the KPI store (column/line 34/65-35/9). Thompson in view of Sands does not directly teach allowing annotations to the performance information. However, Pokorny teaches the information presentation unit comprises: wherein the front-end interface has a function that allows a user to add to or modify annotation in the performance information, and wherein the KPI store stores the annotation (paragraph 0056 and 0096).

It would have been obvious to one of ordinary skill in the art to include the business system of Thompson and Sands with the ability to allowing annotations to the performance information as taught by Pokorny since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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12. As to **claims 15 and 40**, Thompson and Sands in view of Porkorney teaches the performance monitoring system as claimed in claim 1. Thompson further teaches the data guided monitoring function presents the performance information of a selected KPI together with related KPIs which are in a cause and effect relation with the selected KPI. And presents the performance, information of related KPIs in a diagram to navigate the user through the related KPIs (column/line 9/1-31).

13. Regarding **claims 16, 22, 24-25, 47, and 49-50**, Thompson and Sands in view of Porkorney teaches the performance monitoring system as claimed in claim 15. Thompson further teaches the data guided monitoring function has a function that presents the performance information for relevant KPI's sorted based on a selected type of scores, and/or presents the performance information for relevant KPI's filtered and sorted based on the scores of the KPI's (column/line 10/1-6).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley B. Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

19. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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